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LETTER DATED 3 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In the context of the Security Council's continuing consultations regarding the International Tribunal for the Former Yugoslavia established pursuant to resolution 827 (1993), I would like to bring to the Security Council's attention the enclosed English translation of a law passed by the self-appointed and de facto assembly of the Republika Srpska (which is now under the control of Karadžić's agents and the extremist Serbian Democratic Party (SDS)), an entity of Bosnia and Herzegovina, which creates its own war crimes tribunal (see annex). I bring this document to the Council's attention because of the destructive message this "law" sends to the international community and to the people of Bosnia and Herzegovina.

By establishing their own "war crimes tribunal" the de facto authorities of the Serb entity are directly and shamefully flouting the will of the international community and disavowing the legitimacy of the Statute of the Tribunal in The Hague, the legitimacy of the Tribunal itself and, ultimately, the legitimacy of the authority of the Security Council and of the United Nations.

The message this sends to the people of Bosnia and Herzegovina is that in the Serb entity, Republika Srpska, of Bosnia and Herzegovina, the rule of law does not exist, that the status quo of impeding freedom of movement, the return of refugees and other vital aspects of the Dayton/Paris Accords is maintained and that reconciliation is impossible.

This legislation also is, of course, an overt violation of the letter and spirit of the Dayton/Paris Agreement.

May I ask for your kind assistance in circulating the present letter and its annex as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative
Special Envoy

Annex

Law on a Special Court for War Crimes

Article 1

A Special Court for War Crimes (hereafter "Special Court") shall be set up for individuals, citizens of the Republika Srpska, against whom criminal proceedings have been initiated at the Tribunal in The Hague.

Article 2

Proceedings before the Special Court shall be conducted in compliance with the provisions of the Statute of the Tribunal in The Hague.

Article 3

The Special Court shall have a President and five (5) judges elected by the National Assembly.

Article 4

The prosecutors of the Tribunal in The Hague are hereby authorized to appear before the Special Court representing the charges brought by the Tribunal in The Hague.

Article 5

The seat of the Special Court shall be in Serbian Sarajevo.

Article 6

This law shall enter into force on the day it is passed and shall be published in the Official Gazette of the Republika Srpska.

Number:

Date:

Momcilo KRAJISNIK
Chairman of the National Assembly